

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

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PART I.
GENERAL.

18 VAC 50-30-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Virginia Voluntary Apprenticeship Act, (§ 40.1-117 et seq. of the **Code of Virginia**).

"Approved" means approved by the Department of Professional and Occupational Regulation.

"Backflow prevention device testing" means performing functional procedures to ascertain that the device is still providing the necessary backflow protection in accordance with the Virginia Uniform Statewide Building Code.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

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3 **“Backflow prevention device work”** consists of and is limited to the following: (i) maintenance; (ii)

4 repair; (iii) testing; or (iv) periodic inspection of cross connection control

5 devices, including but not limited to reduced pressure principle backflow preventors, double check-

6 valve assemblies, double-detector check-valve assemblies, pressure type vacuum breaker assemblies,

7 and other such devices designed, installed, and maintained in such a manner so as to prevent the

8 contamination of the potable water supply by the introduction of nonpotable liquids, solids, or gases,

9 thus ensuring that the potable water supply remains unaltered and free from impurities, odor,

10 discoloration, bacteria, and other contaminants which would make the potable water supply unfit or

11 unsafe for consumption and use.

12

13 **“Backflow prevention device worker”** means any individual who engages in, or offers to engage in,

14 the maintenance, repair, testing or periodic inspection of cross connection control devices.

15

16 **"Board"** means the Board for Contractors.

17

18 **"Building official/inspector"** is an employee of the state, a local building department or other political

19 subdivision who enforces the Virginia Uniform Statewide Building Code.

20

21 **"Department"** means the Department of Professional and Occupational Regulation.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

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3 **"Division"** means a limited subcategory within any of the trades, as approved by the department.

4

5 **"Electrical work"** consists of, but is not limited to the following: (i) planning and layout of details for

6 installation or modifications of electrical apparatus and controls including preparation of sketches

7 showing location of wiring and equipment; (ii) measuring, cutting, bending, threading, assembling and

8 installing electrical conduits; (iii) performing maintenance on electrical systems and apparatus; (iv)

9 observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or

10 replacement; and (v) repairing faulty systems or apparatus.

11

12 **"Electrician"** means a tradesman who does electrical work including the construction, repair,

13 maintenance, alteration or removal of electrical systems in accordance with the National Electrical Code

14 and the Virginia Uniform Statewide Building Code.

15

16 **"Formal vocational training"** means courses in the trade administered at an accredited educa-tional

17 facility; or formal training, approved by the department, conducted by trade associations, businesses,

18 military, correspondence schools or other similar training organizations.

19

20 **"Gas_fitter"** means a tradesman who does gasfitting related work usually as a division within

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DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 the HVAC or plumbing trades in accordance with the Virginia Uniform Statewide Building
2 Code. This work includes the installation, repair, improvement or removal of liquefied petroleum or
3 natural gas piping, ~~propane~~ tanks, and appliances annexed to real property.

4
5 **"Helper"** or **"laborer"** means a person who assists a licensed tradesman.

6
7 **"HVAC tradesman"** means an individual whose work includes the installation, alteration, repair or
8 maintenance of heating systems, ventilating systems, cooling systems, steam and
9 hot water heating systems, boilers, process piping, and mechanical refrigeration systems, including tanks
10 incidental to the system.

11
12 **"Incidental"** means work that is necessary for that particular repair or installation.

13
14 **"Journeyman"** means a person who possesses the necessary ability, proficiency and qualifi-cation to
15 install, repair and maintain specific types of materials and equipment, utilizing a working knowledge
16 sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and
17 according to plans and specifications.

18
19 **"Licensed tradesman"** means an individual who meets the requirements for licensure that relate to the
20 trade which he practices

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DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2 “Liquefied petroleum gas fitter” means any individual who engages in, or offers to engage
3 in, work for the general public for compensation in work that includes the installation, repair,
4 improvement, alterations or removal of piping, liquefied petroleum gas tanks and appliances (excluding
5 hot water heaters, boilers and central heating systems which require a heating,
6 ventilation and air conditioning or plumbing certification) annexed to real property.

7

8 **“Maintenance”** means the reconstruction or renewal of any part of a backflow device for the
9 purpose of maintaining its proper operation. This does not include the actions of removing, replacing or
10 installing, except for winterization.

11

12 **“Master”** means a person who possesses the necessary ability, proficiency and qualifications
13 to plan and lay out the details for installation and supervise the work of installing, repairing and
14 maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply
15 with the pertinent provisions of the Virginia Uniform Statewide Building Code.

16

17 “Natural gas fitter provider” means any individual who engages in, or offers to engage in,
18 work for the general public for compensation in the incidental repair, testing, or removal of
19 natural gas piping or fitting annexed to real property, excluding new installation of gas piping
20 for hot water heaters, boilers, central heating systems, or other natural gas equipment which
21 requires heating, ventilation and air conditioning or plumbing certification.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2 **"Periodic Inspection"** means to examine a cross connection control device, in accordance
3 with the requirements of the locality, to be sure that the device is in place and functioning in accordance
4 with the standards of the Virginia Uniform Statewide Building Code.

5

6 **"Plumber"** means a tradesman who does plumbing work in accordance with the Virginia Uniform
7 Statewide Building Code.

8

9 **"Plumbing work"** means work that includes the installation, maintenance, extension, or alteration or
10 removal of piping, fixtures, appliances, and appurtenances in connection any of the following:

11

12 1. backflow prevention devices;

13 2. boilers;

14 3. domestic sprinklers;

15 4. hot water baseboard heating systems;

16 5. hydronic heating systems;

17 6. process piping;

18 7. public/private water supply systems within or adjacent to any building, structure, or
19 conveyance;

20 8. sanitary or storm drainage facilities;

21 9. steam heating systems;

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2 10. storage tanks incidental to the installation of related systems;

3 11. venting systems; or

4 12. water heaters.

5 These plumbing tradesmen may also install, maintain, extend or alter the following:

1. liquid

6 waste systems;

7 2. sewerage systems;

8 3. storm water systems;

9 4. water supply systems.

10

11 **"Regulant"** means tradesman license or backflow prevention device certification card holder.

12

13 **"Reinstatement"** means having a tradesman license or backflow prevention device worker

14 certification card restored to effectiveness after the expiration date has passed.

15

16 **"Renewal"** means continuing the effectiveness of a tradesman license or a backflow prevention device

17 worker certification card for another period of time.

18

19 **"Repair"** means the reconstruction or renewal of any part of a backflow prevention device for the

20 purpose of returning to service a currently installed device. This does not include the removal or

21 replacement of a defective device by the installation of a rebuilt or new device.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1
2
3
4
5
6
7
8
9
10
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"Supervisor" means the licensed master or journeyman tradesman who has the responsibility to ensure that the installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code, one of whom must be on the job site at all times during installation.

"Testing organization" means an independent testing organization whose main function is to develop and administer examinations.

"Trade" means any of the following: ~~plumbing; heating, ventilation and air conditioning (HVAC); or electrical work,~~ electrical, gas-fitting, HVAC (heating, ventilation and air conditioning), liquefied petroleum gas fitting, natural gas fitting, plumbing, and divisions within them.

"Tradesman" means a person who engages in or offers to engage in, for the general public for compensation, any of the trades covered by this chapter.

"Water Distribution Systems" include Fire Sprinkler Systems, Highway/Heavy, HVAC, Lawn Irrigation Systems, Plumbing, and/or Water Purveyor work.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2

PART II

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ENTRY.

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5

18 VAC 50-30-20. Requirements for licensure as a journeyman or master tradesman

6

engaging in the trades of ~~plumbing, plumbing gas fitting, HVAC (heating, ventilation and air~~

7

~~conditioning), HVAC gas fitting, electrical, electrical, gas fitting, HVAC (heating, ventilation~~

8

and air conditioning), liquefied petroleum gas fitting, natural gas fitting, and plumbing or

9

certification as a backflow prevention device worker.

10

11

Each individual who engages in, or offers to engage in, ~~electrical, plumbing, HVAC, electrical, gas~~

12

fitting, HVAC, liquefied petroleum gas fitting, natural gas fitting, plumbing or backflow prevention

13

device work for the general public for compensation shall meet or exceed the requirements set forth

14

below prior to issuance of the license or certification card.

15

16

The applicant shall be required to take an oral or written examination to determine his general

17

knowledge of the trade in which he desires licensure or certification. If the applicant successfully

18

completes the examination, an application furnished by the Department of Professional & Occupational

19

Regulation shall be completed. The application shall contain the applicant's name, home address, place

20

of employment, and business address; information on the knowledge, skills, abilities and education or

21

training of the applicant; and an affidavit stating that the information on the application is correct. If the

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 application is satisfactory to

2 the board, a license or certification card shall be issued.

3

4 **18 VAC 50-30-30.** General qualifications for licensure or certification.

5

6 Every applicant to the Board for Contractors for licensure as a tradesman or certification as a backflow

7 prevention device worker shall meet the requirements and have the qualifications provided in this

8 section.

9

10 1. The applicant shall be at least 18 years old.

11

12 2. Unless otherwise exempted, the applicant shall meet the current educational require-

13 ments by passing all required courses prior to the time the applicant sits for the

14 examination and applies for licensure or certification.

15

16 3. Unless exempted, the applicant shall have passed the applicable written examination provided

17 by the board or by a testing service acting on behalf of the board.

18

19 4. The applicant shall meet the experience requirements as set forth in sections 18 VAC

20 50-30-40 or 18 VAC 50-30-50.

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DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 5. In those instances where the applicant is required to take the license or certification
2 examination, the applicant shall follow all rules established by the board with regard to conduct
3 at the examination. Such rules shall include any written instructions commu-
4 nicated prior to the examination date and any instructions communicated at the site,
5 either written or oral, on the date of the examination. Failure to comply with all rules
6 established by the board and the testing service with regard to conduct at the examination
7 shall be grounds for denial of application.

8
9 6. The applicant shall disclose his physical home address; a post office box alone is not
10 acceptable.

11
12 7. Each non-resident applicant for a tradesman license or certification card shall file and
13 maintain with the department an irrevocable consent for the department to serve as ser- vice
14 agent for all actions filed in any court in this Commonwealth. In those instances where service is
15 required, the director of the department will mail the court documents to the individual at the
16 address of record.

17
18 8. The applicant shall sign, as part of the application, an affidavit certifying that the applicant
19 has read and understands the Virginia Tradesman law, Article 3 (§ 54.1-1128
20 et seq.) of Chapter 11 of Title 54 of the **Code of Virginia**) and this chapter.

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DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 9. The board may make further inquiries and investigations with respect to the qualifi-
2 cations of the applicant or require a personal interview with the applicant. Failure of an
3 applicant to comply with a written request from the board for additional evidence or information
4 within 60 days of receiving such notice, except in such instances where the

5
6 board has determined ineligibility for a clearly specified period of time, may be
7 sufficient and just cause for disapproving the application.

8
9 10. In accordance with § 54.1-204 of the **Code of Virginia**, each applicant shall disclose a
10 conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of nolo contendere shall be
11 considered a conviction for this purpose of this subdivision. The record of conviction received
12 from a court shall be accepted as prima facie evidence

13 of a conviction or finding of guilt. The board, at its discretion, may deny licensure or certification
14 to any applicant in accordance with 54.1-204 of the **Code of Virginia**.

15
16 11. The applicant shall report any suspensions, revocations, or surrendering of a
17 certificate/license in connection with a disciplinary action or which has been the subject of
18 discipline in any jurisdiction prior to applying for licensure or certification in Virginia. The board,
19 at its discretion, may deny licensure or certification to any applicant based on prior suspensions,
20 revocations, or surrender of certifications/licenses based on disciplinary action by any jurisdiction.

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DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 **18 VAC 50-30-40. Evidence of ability and proficiency.**

2

3 **A.** Applicants for examination to be licensed as a journeyman shall furnish evidence that one of
4 the following experience and education standards has been attained:

5

6 1. Four years of practical experience in the trade, and 240 hours of formal vocational training in
7 the trade. Experience in excess of four years may be substituted for formal vocational training at
8 a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;

9

10 2. Four years of practical experience and 80 hours of vocational training for Liquefied Petroleum
11 Gas Fitters and Natural Gas Fitter Providers except that no substitute experience will be allowed
12 for Liquefied Petroleum Gas and Natural Gas workers;

13

14 ~~23.~~ An associate degree or a certificate of completion from at least a two-year program
15 in a tradesman related field from an accredited community college or technical school
16 as evidenced by a transcript from the educational institution and two years of practical
17 experience in the trade for which licensure is desired;

18

19 ~~34.~~ A bachelor's degree received from an accredited college or university in an engineer-
20 ing curriculum related to the trade and one year of practical experience in the trade for which
21 licensure is desired; or

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

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2 45. On or after July 1, 1995, an applicant with ten years of practical experience in the
3 trade as verified by reference letters of experience from any of the following: building
4 officials, building inspectors, current or former employers, contractors, engineers, archi-
5 tects or current or past clients attesting to the applicant's work in the trade, may be
6 granted permission to sit for the journeyman's level examination without having to meet the
7 educational requirements.

8

9 B. Applicants for examination to be licensed as a master shall furnish evidence that one of the
10 following experience standards has been attained:

11

12 1. Evidence that they have one year of experience as a licensed journeyman; or

13

14 2. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade, as
15 verified by reference letters of experience from any of the following: building officials, building
16 inspectors, current or former employers, contractors, engineers, architects or current or past
17 clients attesting to the applicant's work in the trade, may
18 be granted permission to sit for the master's level examination without having to meet the
19 educational requirements.

20

21 C. Individuals who have successfully passed the Class A contractors trade examination prior to

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be
2 deemed qualified as a master in that trade in accordance with this chapter.

3

4 D. Applicants for examination to be certified as a backflow prevention device worker shall furnish
5 evidence that the following experience and education standards have been attained:

6

7 1. Four years of practical experience in water distribution systems, and 40 hours of formal
8 vocational training in a school approved by the board; or

9

10 2. Applicants with seven or more years of experience may qualify with 16 hours of
11 formal vocational training in an approved school.

12

13 The board accepts the American Society of Sanitary Engineers (ASSE) standards for testing
14 procedures. Other programs could be approved after board review. The board requires all backflow
15 training to include instruction in a wet lab.

16

17 **18 VAC 50-30-50. Exemptions from examination; exemptions from licensure.**

18

19 A. An individual certified or licensed by any one of the following agencies shall not be required to
20 fulfill the examination requirement:

21

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

- 1 1. The Department of Housing and Community Development prior to July 1, 1995;
- 2
- 3 2. Any local governing body prior to July 1, 1978; or
- 4
- 5 3. Any Virginia locality Backflow Prevention Device Worker certification issued
- 6 prior to July 1, 1998.
- 7
- 8 B. Other methods of exemption from examination are as follows:
- 9
- 10 1. Successful completion of an apprenticeship program which is approved by the Virginia
- 11 Apprenticeship Council as evidenced by providing a certificate of completion
- 12 or other official document.
- 13
- 14 2. Any tradesman who had a Class B Registration in the trade prior to January 1, 1991.
- 15 and has been continuously licensed as a Class B Contractor. Candidates for this exemption
- 16 must submit documentation from the Board for Contractors.
- 17
- 18 3. Individuals applying for certification as backflow prevention device workers between
- 19 July 1, 1998, and July 1, 1999, shall be deemed to have fulfilled the examination
- 20 requirements if they are able to demonstrate the required years of discipline-free
- 21 experience and education or training set forth in 18 VAC 50-30-40.D). These individuals shall

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 provide the following with their application:

2

3 a. an affidavit from a building official, a building inspector or a Virginia water

4 purveyor attesting to at least seven years of experience and competency in the field

5 on a form provided by the department and

6

7 b. a certificate or other documentation that an appropriate course of instruction of at

8

9 least 16 hours at an approved school has been successfully completed.

10

11 4. a. Individuals applying for licensure as a liquefied petroleum gas fitter within one year of the
12 effective date of the Board's final regulations, who are able to demonstrate that they have at least
13 five years' experience as a liquefied petroleum gas fitter are exempted from the examination
14 requirements. This item refers to Master Tradesmen.

15

16 b. Individuals applying for licensure as a liquefied petroleum gas fitter between July 1, 2000,
17 and July 1, 2005, shall be deemed to have fulfilled the examination require-ments if they are able
18 to demonstrate that they have at least five years' experience in an apprenticeship capacity under
19 the direct supervision of a gas fitter. This item refers to Journeymen Tradesmen.

20

21 5. a. Individuals applying for a natural gas fitter provider license within one year of

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 the effective date of the Board's final regulations, shall be deemed to have fulfilled the examination
2 requirement if they are able to demonstrate that they have five years' prior experience as a natural
3 gas fitter provider. This item refers to Master Tradesmen.

4
5 b. Individuals applying for a natural gas fitter provider license between July 1, 1999 and July
6 1, 2004, shall be deemed to have fulfilled the examination requirement if they
7 are able to demonstrate that they have at least five years' experience in an apprenticeship
8 capacity under the direct supervision of a gas fitter. This item refers to Journeymen Tradesmen.

9
10 C. Exemptions from licensure are as follows:

11
12 1. Helpers or laborers who assist licensed tradesmen;

13
14 2. Any person who performs ~~plumbing, plumbing gas fitting, HVAC, HVAC gas fitting or~~
15 ~~electrical~~ electrical, gas fitting, HVAC, liquefied petroleum gas fitting, natural gas fitting, or
16 plumbing work not for the general public for compensation;

17
18 3. Any person who installs television or telephone cables, lightning arrestor systems, or wiring or
19 equipment operating at less than 50 volts;

20
21 4. Installers of wood stove equipment, masonry chimneys or pre-fabricated fireplaces

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 shall be exempt from certification as a HVAC tradesman; and

2

3 5. Any person who is performing work on any ship, boat, barge or other floating vessel.

4

5 **18 VAC 50-30-60.** Application and issuance of tradesman licenses or backflow prevention device
6 worker certifications.

7

8 **A.** All applicants for licensure as a tradesman or certification as a backflow prevention
9 device worker must make application with the department to obtain the required tradesman

10 license or backflow prevention device worker certification.

11

12 **B.** Unless otherwise exempted, an applicant must successfully complete an examination to be
13 issued a tradesman license or backflow prevention device worker certification and
14 deemed qualified.

15

16 **C.** The board shall receive and review applications and forward approved applications to the
17 national testing organizations designated by the board. At its discretion, the board may delegate the
18 application receipt and review process to the testing organization.

19

20 **D.** The applicant shall present to the board evidence of successful completion of a board
21 approved examination.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1
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18 VAC 50-30-70. Other recognized programs.

Individuals certified or licensed as journeymen or masters by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with these standards, if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system. These individuals must meet the following requirements:

1. The applicant shall be at least 18 years of age.

2. The applicant shall have received the tradesman certification or license by virtue of having passed in the jurisdiction of original certification or licensing a written or oral examination deemed to be substantially equivalent to the Virginia examination.

3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia Tradesman law, Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the **Code of Virginia** and this chapter.

4. The applicant shall be in good standing as a certified or licensed tradesman in every jurisdiction where certified or licensed and the applicant shall not have had a certificate or a

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 license as a tradesman which was suspended, revoked, or surrendered in connection with a
2 disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for
3 licensure in Virginia.

4
5 5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving
6 lying, cheating, stealing, sexual offense, drug distribution or physical injury, or any felony. Any plea of
7 nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a
8 conviction authenticated in such form as

9
10 to be admissible in evidence under the laws of the jurisdiction where convicted shall
11 be admissible as prima facie evidence of such conviction.

12
13 6. Applicants for licensure who do not meet the requirements set forth in sub-divisions 4 and 5
14 of this section may be approved for licensure following consideration by the board.

15
16 7. Individuals certified or licensed by governing bodies other than the Commonwealth of
17 Virginia may sit for the same level of tradesman examination by completing the required application
18 and providing a copy of a currently valid journeyman or master license or certification.

19
20 8. Individuals certified or licensed as backflow prevention device workers by governing
21 bodies located outside the Commonwealth of Virginia may sit for the Virginia backflow

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 prevention device worker examination upon presentation of a currently valid certificate or card
2 from such jurisdictions with their completed examination application and fee. Upon successful
3 completion of this examination, the applicant will be provided with the
4 proper application for certification as a backflow prevention device worker in the
5 Commonwealth of Virginia.

6

7 **18 VAC 50-30-80.** Revocation of licensure or certification

8

9 **A.** Licensure or certification may be revoked for misrepresentation or a fraudulent appli-cation or for
10 incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide
11 Building Code.

12

13 **B.** Any building official, building inspector or water purveyor who finds that an individual is practicing
14 as a tradesman without a tradesman license as required by state law or as a backflow prevention device
15 worker without a backflow prevention device certification card if such a card is required by the locality
16 shall file a report on a form provided by the board to such effect with the Board for Contractors, 3600
17 West Broad Street, Richmond, Virginia 23230-4917.

18

19 **C.** Any building official, building inspector or water purveyor who has reason to believe that a
20 tradesman or a backflow prevention device worker is performing incompetently as demonstrated by an
21 egregious or repeated violation of the Virginia Uniform Statewide Building Code shall file a report on a

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 form provided by the board to such effect with the board.

2

3 **D.** The department shall have the power to require remedial education and to suspend,
4 revoke or deny renewal of the tradesman license or the backflow prevention device worker
5 certification card of any individual who is found to be in violation of the statutes or regula-tions
6 governing the practice of licensed tradesmen in the Commonwealth.

7

8 **18 VAC 50-30-90.** Fees for licensure and examination.

9

10 **A.** Each check or money order shall be made payable to the Treasurer of Virginia. All fees required
11 by the board are non-refundable and the date of receipt by the department or its agent is the date that
12 will be used to determine whether or not it is on time. Fees remain active for a period of one year from
13 the date of receipt and all applications must be completed within that time frame.

14

15 **B.** In the event that a check, money draft or similar instrument for payment of a fee required by
16 statute or regulation is not honored by the bank or financial institution named, the applicant or regulant
17 shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge of
18 \$25.

19

20 **C.** Tradesman license - original fee - by examination. The fee for an initial tradesman license shall be
21 \$40.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2 **D.** Tradesman license - original fee - without an examination, through successful
3 completion of an appropriate apprenticeship program offered through the Virginia Voluntary
4 Apprenticeship Act. The fee for an initial tradesman license shall be \$40.

5

6 **E.** Commencing July 1, 1995, the Department of Professional and Occupational Regulation
7 will institute a program of issuing tradesmen's cards. Those tradesmen who hold valid trades-
8 men cards issued by local governing bodies prior to July 1, 1978, or by the Department of Housing and
9 Community Development prior to July 1, 1995, must replace the old cards with new cards issued by the
10 Board for Contractors.

11

12 In order to obtain the tradesman license issued by the Board for Contractors, the individual must use
13 the current application form provided by the Department of Professional and Occupational Regulation.

14 The fee for card exchange application and processing is \$10. As a matter of administrative necessity,
15 the department will assign expiration dates in a manner that will stagger renewals for these applicants.

16 Once the initial period ends, all renewals will be for a period of 24 months.

17

18 **F.** Commencing July 1, 1998, the Department of Professional and Occupational Regulation will
19 institute a voluntary program of issuing backflow prevention device worker certification cards. Those
20 individuals who hold valid backflow prevention device worker certifications issued by local governing
21 bodies or the Virginia Department of Health prior to that date

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 may replace those cards with new cards issued by the board.

2

3 In order to obtain the backflow prevention device worker certification issued by the board, the
4 individual must use the current application form provided by the department. The fee for the card
5 exchange application and processing is \$10. The term of certification will be for a period of 24 months.

6

7 **G. Backflow Prevention Device Worker Certification** through the "grandfather" clause of § 54.1-
8 1131.B.2. **Code of Virginia.** The fee for an initial certification shall be \$40.

9

10 **H. Commencing on the effective date of the Board's final regulations, the Department of**
11 **Professional and Occupational Regulation will add the trades of Liquefied Petroleum Gas Fitter and**
12 **Natural Gas Fitter Provider to the trades regulated by the Board for Contractors. The fee for the initial**
13 **licensure shall be \$40.**

14

15 **18 VAC 50-30-100.** Fees for examinations.

16

17 The examination fee shall consist of the administration expenses of the department resulting from the
18 board's examination procedures and contract charges. Exam service contracts shall be established
19 through competitive negotiation, in compliance with the Virginia Public Procurement Act (§ 11-35 et
20 seq. of the **Code of Virginia**). The current examination shall not
21 exceed a cost of \$100 for the journeyman's exam and \$125 for the master's exam for any of

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 the trades or \$100 for the backflow prevention device worker exam.

2

3 **18 VAC 50-30-110. Fees for duplicate cards.**

4

5 The fee for a duplicate card shall be as follows:

6 First request \$10

7 Second request \$20

8 Third request \$40 and a report sent to the Enforcement Section.

9 Any request for the issuance of such a card must be in writing to the board.

10

11

PART III.

12

RENEWAL AND REINSTATEMENT.

13

14 **18 VAC 50-30-120. Renewal.**

15

16 A. Tradesman licenses or backflow prevention device worker certification cards issued under this
17 chapter shall expire two years from the last day of the month in which they were issued, as indicated on
18 the tradesman license or the backflow prevention device worker certification card.

19

20 B. The fee for renewal of a tradesman license is \$25. The fee for renewal of a backflow prevention
21 device worker certification card is \$25. All fees required by the board are non-refundable and shall not

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 be prorated.

2

3 The board will mail a renewal notice to the regulant outlining procedures for renewal. Failure to
4 receive this notice, however, shall not relieve the regulant of the obligation to renew. If the regulant fails
5 to receive the renewal notice, a photocopy of the tradesman license
6 or backflow prevention device worker certification card may be submitted with the required
7 fee as an application for renewal within 30 days of the expiration date.

8

9 The date on which the renewal fee is received by the Department or its agent will determine whether
10 the regulant is eligible for renewal or required to apply for reinstatement.

11

12 The board may deny renewal of a tradesman license or of a backflow prevention device worker
13 certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The
14 regulant has a right to appeal any such action by the board under the Virginia Administrative Process
15 Act (§ 9-6.14:4.1 et seq. of the **Code of Virginia**).

16

17 Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent
18 order or final order shall result in delaying or withholding services provided by the department, such as,
19 but not limited to, renewal, reinstatement, processing of a new applica-
20 tion, or exam administration.

21

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 **18 VAC 50-30-130.** Reinstatement.

2

3 **A.** Should the Department of Professional & Occupational Regulation fail to receive the renewal
4 application or fees within 30 days of the expiration date, the regulant will be required to reinstate the
5 tradesman license or backflow prevention device worker certification card.

6

7 **B.** The fee for reinstatement of a tradesman license (all designations) is \$50 (this is in addition to the
8 \$25 renewal fee, which makes the total fee for reinstatement \$75). The rein-
9 statement fee for a backflow prevention device worker certification card is \$50 (this is in addition to the
10 \$25 renewal fee, which makes the total reinstatement fee \$75). All fees required by the board are non-
11 refundable and shall not be prorated.

12

13 Applicants for reinstatement shall meet the requirements of 18 VAC 50-30-30.

14

15 The date on which the reinstatement fee is received by the department or its agent will determine
16 whether the license or certification card is reinstated or a new application is required.

17

18 In order to ensure that license or certification card holders are qualified to practice as
19 tradesmen or backflow prevention device workers, no reinstatement will be permitted once one year
20 from the expiration date has passed. After that date the applicant must apply for a new tradesman
21 license or backflow prevention device worker certification card and meet the then current entry

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 requirements.

2

3 Any tradesman activity conducted subsequent to the expiration of the license may constitute
4 unlicensed activity and may be subject to prosecution under § 54.1 of the **Code of Virginia**.

5 Further, any person who holds himself out as a certified backflow prevention device worker, as defined
6 in § 54.1-1128 of the **Code of Virginia**, without the appropriate certification, may be subject to
7 prosecution under Title 54.1 of the **Code of Virginia**.

8

9 C. The board may deny reinstatement of a tradesman license or a backflow prevention device
10 worker certification card for the same reasons as it may refuse initial issuance or to
11 discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia
12 Administrative Process Act (§ 9-6.14:4.1 et seq. of the **Code of Virginia**).

13

14 Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent
15 order or final order shall result in delaying or withholding services provided by the department, such as,
16 but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

17

18 **18 VAC 50-30-140.** Status of regulant during the period prior to reinstatement.

19

20 A. When a regulant is reinstated, the individual shall continue to have the same number and shall be
21 assigned expiration date two years from the previous expiration date.

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2 **18 VAC 50-30-180.** Filing of complaints.

3

4 All complaints against regulants may be filed with the Department of Professional and
5 Occupational Regulation at any time during business hours, pursuant to § 54.1-1114 of the
6 **Code of Virginia.**

7

8

9 **18 VAC 50-30-190.** Prohibited Acts.

10

11 Any of the following are cause for disciplinary action:

12

13 1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100) or Chapter 11
14 (§ 54.1-1100 et seq.) of Title 54.1 of the **Code of Virginia** or the regulations of the board;

15

16 2. Furnishing substantially inaccurate or incomplete information to the board in obtaining
17 renewing, reinstating, or maintaining a tradesman license or backflow prevention device worker
18 certification card;

19

20 3. Where the regulant has failed to report to the board, in writing, the suspension or
21 revocation of a tradesman license, certificate, or card, or backflow prevention device worker

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 certification card, by another state, or a conviction in a court of competent jurisdiction of a

2 building code violation;

3

4 4. Gross negligence in the practice of a trade or backflow prevention device work;

5

6 5. Misconduct in the practice of a trade or backflow prevention device work;

7

8 6. A finding of improper or dishonest conduct in the practice of the trade or backflow

9 prevention device work by a court of competent jurisdiction;

10

11 7. For licensed tradesmen performing jobs under \$1,000, or backflow prevention device

12 workers performing jobs of any amount, abandonment, the intentional and unjustified

13 failure to complete work contracted for, or the retention or misapplication of funds paid, for

14 which work is either not performed or performed only in part (unjustified cessation of work under

15 the contract for a period of 30 days or more shall be considered evidence of abandonment);

16

17 8. Making any misrepresentation or making a false promise of a character likely to influ- ence,

18 persuade, or induce;

19

20 9. Aiding or abetting an unlicensed contractor to violate any provision of Chapter 1 or

21 Chapter 11 of § 54.1 of the **Code of Virginia**, or these regulations; or combining or

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 conspiring with or acting as agent, partner, or associate for an unlicensed contractor; or allowing
2 one's license or certification to be used by an unlicensed or uncertified individual;

3
4 10. Where the regulant has offered, given or promised anything of value or benefit to any federal,
5 state, or local government employee for the purpose of influencing that employee to circumvent, in
6 the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the
7 construction industry;

8
9 11. Where the regulant has been convicted or found guilty, after initial licensure or
10 certification, regardless of adjudication, in any jurisdiction of any felony or of a mis-
11 demeanor involving lying, cheating or stealing, sexual offense, drug distribution, physical
12 injury, or relating to the practice of the profession, there being no appeal pending therefrom or the
13 time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a
14 conviction for the purposes of this subdivision. The record of a conviction certi-
15 fied or authenticated in such form as to be admissible in evidence under the laws of the
16 jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

17
18 12. Having failed to inform the board in writing, within 30 days, that the regulant has pleaded
19 guilty or nolo contendere or was convicted and found guilty of any felony or a
20 misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or
21 relating to the practice of the profession;

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1

2 13. Having been disciplined by any county, city, town, or any state or federal governing body for
3 actions relating to the practice of any trade or backflow prevention device work,

4 which action shall be reviewed by the board before it takes any disciplinary action of its own;

5

6 14. Failure to comply with the Virginia Uniform Statewide Building Code, as amended;

7

8 and

9

10 15. Practicing in a classification or specialty service for which the regulant is not licensed
11 or certified.

12

13

PART VI

14

SCHOOLS/PROFESSIONAL EDUCATION

15

16 **18 VAC 50-30-200.** Professional Education.

17

18 **A.** Pursuant to § 54.1-1130, **Code of Virginia**, as amended, unless certified through
19 exemption, candidates for licensure as Journeymen are required to **(i)** complete 240 classroom hours of
20 tradesman educational courses in their specialty or 80 classroom hours of training for Liquefied
21 Petroleum Gas Fitters and Natural Gas Fitter Providers and four years of practical experience in the

DRAFT #5 DECEMBER 12, 2000
PROPOSED RULES AND REGULATIONS OF THE
BOARD FOR CONTRACTORS' TRADESMAN PROGRAM

1 trade for which licensure is desired to qualify to sit for the licensing examination; or
2 **(ii)** have an associate degree or certificate of completion from at least a two-year program in a
3 trade related field from an accredited community college or technical school as evidenced by
4 a transcript from the educational institution and two years of practical experience in the trade
5 for which licensure is desired; or **(iii)** have a bachelor's degree received from an accredited college or
6 university in an engineering curriculum related to the trade and one year of practical experience in the
7 trade for which licensure is desired (see Part II, 18 VAC-50-30-20 et seq.,
8 of this chapter).

9
10 Tradesman courses must be completed through accredited colleges, universities, junior and
11 community colleges, adult distributive, marketing and formal vocational training as defined in this
12 chapter; Virginia Apprenticeship Council programs or proprietary schools approved by the Virginia
13 Department of Education.

14
15 **B.** Backflow prevention device worker courses must be completed through schools approved by
16 the Board for Contractors. The Board for Contractors accepts the American Society of Sanitary
17 Engineers (ASSE) standards for testing procedures (other programs could be approved after board
18 review) and requires all backflow training to include instruction in a wet lab.

19

20 /TC/Regs/Tradesman Reg Review 12-11-2000.doc